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STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR  
AND INDUSTRIAL RELATIONS,

Complainant,

vs.

COASTAL CONSTRUCTION COMPANY,  
INC.,

Respondent.

CASE NO. OSH 2006-26

ORDER NO. 223

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board ("Board") on November 21, 2006, and attended by Herbert B.K. Lau, Deputy Attorney General, for Complainant, and Michael S.H. Young, for Respondent, IT IS HEREBY ORDERED THAT:

1. The issues to be determined at trial are as follows:

A. Citation 1, Item 1a - 29 CFR 1926.451(b)(2)

- (i) Whether Respondent violated 29 CFR 1926.451(b)(2) as described in Citation 1, Item 1a, issued on September 28, 2006?
- (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
- (iii) Whether the imposition and amount of the \$1,700.00 penalty is appropriate? If not, what is the appropriate penalty?

B. Citation 1, Item 1b - 29 CFR 1926.451(f)(3):

- (i) Whether Respondent violated 29 CFR 1926.451(f)(3) as described in Citation 1, Item 1b, issued on September 28, 2006?

- (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?

C. Citation 1, Item 1c - 29 CFR 1926.452(a)(4)

- (i) Whether Respondent violated 29 CFR 1926.452(a)(4) as described in Citation 1, Item 1c, issued on September 28, 2006?
- (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?

D. Citation 1, Item 1d - 29 CFR 1926.454(a)(4)

- (i) Whether Respondent violated 29 CFR 1926.454(a)(4) as described in Citation 1, Item 1d, issued on September 28, 2006?
- (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?

D. Citation 2, Item 1 - 29 CFR 1926.501(b)(13)

- (i) Whether Respondent violated 29 CFR 1926.501(b)(13) as described in Citation 2, Item 1, issued on September 28, 2006?
- (ii) Whether the characterization of the violation as “Repeat” is appropriate? If not, what is the appropriate characterization?
- (iii) Whether the imposition and amount of the \$12,500.00 penalty is appropriate? If not, what is the appropriate penalty?

2. Discovery and other deadlines are:

Identification of live witnesses and  
exchange of expert reports, if any

January 21, 2007

Discovery cutoff

February 16, 2007

3. The Board will conduct a trial in this matter on March 6-7, 2007 at 9:30 a.m. in the Board’s hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii, or as soon thereafter as the case as the case can be heard. The trial will continue from day-to-day until completed.

4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, November 21, 2006.

HAWAII LABOR RELATIONS BOARD

  
BRIAN K. NAKAMURA, Chair

  
EMORY J. SPRINGER, Member

  
SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

Herbert B.K. Lau, Deputy Attorney General  
Michael S.H. Young